

REMARKS

This paper is submitted in reply to the Office Action dated August 2, 2004, within the three-month period for response. Reconsideration and allowance of all pending claims are respectfully requested.

In the subject Office Action, the specification and claims 3, 11 and 19 were objected to for various informalities. Claims 9-10, 13-20, and 23-34 were rejected under 35 U.S.C. § 112 second paragraph. Moreover, claims 1-14 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,618,806 to Brown et al. (Brown '806) in view of U.S. Patent No. 5,877,483 to Bilich et al. (Bilich '483). Claims 15-16 and 18 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 9 of Brown '806 in view of U.S. Patent No. 6,674,537 to Kadowaki (Kadaowaki '537). Claims 17, 19-20 and 23 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 9 of Brown '806 in view of U.S. Patent No. 6,070,141 to Houvener et al. (Houvener '141), and claims 31-22 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 9 of Brown '806 in view of U.S. Patent No. 6,058,426 to Godwin et al. (Godwin '426). Despite the rejections, Applicants appreciate the Examiner's acknowledgment that claim 24 was directed to allowable subject matter.

Applicants respectfully traverse the Examiner's rejections to the extent that they are maintained. Applicants have nonetheless amended the specification and claims 3, 11 and 19 in deference to the Examiner's suggestions. Applicants respectfully submit that no new matter is being added by the above amendments, as the amendments are fully supported in the specification, drawings and claims as originally filed.

With regard to the §112 rejections, Applicants respectfully direct the Examiner to the first full paragraph on page 11 of the present specification to find subject matter supporting the cited claims. More particularly, support for the claims is disclosed in an embodiment having a card reader used to identify a group and a user within that group.

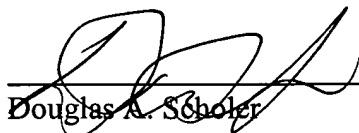
Withdrawal of the rejections of claims 9, 10, 13-20, 23 and 24 are therefore respectfully requested.

Now turning to the rejections based on obviousness-type double patenting, the Examiner will note that Applicants have submitted herewith a Terminal Disclaimer to obviate the double patenting rejections based upon Brown '806, along with authorization to charge Deposit Account 23-3000 the sum of \$110.00 for the requisite fee under 37 C.F.R. 1.20(d). Applicants note that the filing of the Terminal Disclaimer does not act as an admission to the correctness of the double patenting rejections, and indeed, Applicants continue to traverse the Examiner's reasoning for the double patenting rejections. Nonetheless, Applicants submit the Terminal Disclaimer to bring prosecution forward to a prompt conclusion. Reconsideration and allowance of all pending claims are thus respectfully requested.

In summary, Applicants respectfully submit that all objections and rejections have been addressed. Reconsideration and allowance of all pending claims are therefore respectfully requested. Applicants note that a Supplemental Information Disclosure Statement in this case is being mailed concurrently. If the Examiner has any questions regarding the foregoing, or which might otherwise further this case onto allowance, the Examiner may contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

10/29/04
Date


Douglas A. Scholer
Reg. No. 52,197
WOOD, HERRON & EVANS, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
Telephone: (513) 241-2324
Facsimile: (513) 241-6234